

**SULAIMAN LAW GROUP**

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**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

Case No. 2:24-cv-05370

PAUL M. VEKSLER,

Plaintiff,

v.

ENVOY MEDIA GROUP, INC.,  
d/b/a TAXRELIEFCENTER.ORG,  
INC.,

Defendant.

**COMPLAINT FOR DAMAGES**

**1. VIOLATIONS OF  
TELEPHONE CONSUMER  
PROTECTION ACT, 47  
U.S.C. § 227 *et seq.***

**COMPLAINT**

**NOW COMES** PAUL M. VEKSLER (“Plaintiff”), by and through the undersigned counsel, complaining of ENVOY MEDIA GROUP, INC. d/b/a TAXRELIEFCENTER.ORG, INC. (“Defendant”), as follows:



1           7. Plaintiff is a “person” as defined by 47 U.S.C. § 153(39) because he is  
2 an individual.

3  
4           8. Defendant is a California corporation with its principal address located  
5 at 30721 Russell Ranch Rd., Suite 140, Westlake Village, California 91362.

6  
7           9. Defendant is regularly engages in the business of tax, debt, and other  
8 financial related services to consumers.<sup>1</sup> Defendant offers its services to consumers  
9 nationwide.

10           10. Upon information and belief, Defendant engages third party  
11 vendors/agents to place outbound marketing calls to consumers on Defendant’s  
12 behalf.

13  
14           11. Upon information and belief, Defendant controls and directs the  
15 activities of the third-party vendors/agents it utilizes to place calls on its behalf and  
16 is therefore liable for the acts of its third party vendors/agents.

17  
18                                   **FACUTAL ALLEGATIONS**

19  
20           12. At all times relevant, Plaintiff was the sole operator, possessor, and  
21 subscriber of the cellular telephone number ending in 0409.

22  
23           13. At all times relevant, Plaintiff’s number ending in 0409 was assigned to  
24 a cellular telephone service.

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28                                   

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<sup>1</sup> [taxreliefcenter.org](https://taxreliefcenter.org) (last visited June 11, 2024).

1           14. At all times relevant, Plaintiff's number ending in 0409 was not  
2 associated with a business and was utilized for personal and residential purposes.  
3 Plaintiff utilizes his cellular telephone number for residential purposes as his cellular  
4 telephone number is the primary means of reaching Plaintiff at his residence.  
5 Accordingly, Plaintiff is a "residential telephone subscriber."<sup>2</sup>  
6

7  
8           15. At all times relevant, Plaintiff was financially responsible for his cellular  
9 telephone equipment and services.

10           16. At no point in time did Plaintiff contract with Defendant or otherwise  
11 solicit any of Defendant's services.  
12

13           17. At no point in time did Plaintiff provide Defendant with his cellular  
14 telephone number ending in 0409.  
15

16           18. At no point in time did Plaintiff provide Defendant with consent to place  
17 calls to his cellular telephone number ending in 0409 or subscribe to receive any  
18 offers from Defendant.  
19

20           19. At all times relevant, Plaintiff's cellular telephone number ending in  
21 0409 was registered on the National Do-Not-Call Registry. Plaintiff personally  
22 registered his cellular telephone number on the National-Do-Not-Call Registry in  
23 August 2005.  
24

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25  
26  
27 <sup>2</sup> The FCC has expressly rejected interpreting "residential subscribers" narrowly to exclude  
28 cellular telephone numbers categorically. *Implementing the Tel. Consumer Prot. Act of 1991*, 18  
F.C.C. Rcd. 14014, 14038.

1           20. In early June 2024, Defendant began placing unsolicited marketing  
2 phone calls to Plaintiff's cellular phone.

3  
4           21. Fed up with the invasive solicitation calls; Plaintiff answered a call from  
5 Defendant.

6           22. During the call, Defendant identified itself as a financial services  
7 provider, then began offering its services to Plaintiff.

8  
9           23. In response, Plaintiff explained that he was not interested in Defendant's  
10 services and further instructed Defendant to remove his phone number from  
11 Defendant's call-registry and cease all calls to Plaintiff's phone number.

12  
13           24. Despite Plaintiff's request that the solicitation calls cease, Defendant  
14 continued placing solicitation phone calls to his cellular phone, including multiple  
15 phone calls per day.

16  
17           25. For example, on June 17, 2024, Defendant placed five (5) solicitation  
18 phone calls to Plaintiff's cellular phone within a few hours.

19  
20           26. Plaintiff answered one of the above-mentioned calls and (1) informed  
21 Defendant that he was recording the phone call; (2) explained he is on the Federal  
22 Do-Not-Call-Registry; (3) demanded Defendant cease its unlawful calls; and, (4)  
23 warned Defendant that Plaintiff would sue Defendant if it continued placing  
24 unsolicited calls to his phone.

25  
26           27. In response, Defendant disregarded Plaintiff's demands and stated that  
27 it would continue to place calls to Plaintiff's number.  
28

1           28. In total, Defendant placed no less than 10 solicitation calls to Plaintiff's  
2 cellular phone number.

3  
4           29. Defendant placed its calls using various phone numbers, including:  
5 (414) 677- 3360, (414) 677-3334, and (414) 677-3405.

6  
7                                   **DAMAGES**

8           30. Defendant's unlawful telemarketing practices have caused Plaintiff  
9 damages, including: invading Plaintiff's privacy, nuisance, wasting Plaintiff's time,  
10 the increased risk of personal injury resulting from the distraction caused by the  
11 solicitation calls, decreased productivity, aggravation that accompanies unwanted  
12 solicitation calls, frustration, loss of concentration, and the loss of battery charge.

13  
14           31. Moreover, each time Defendant placed a solicitation call to Plaintiff's  
15 cellular phone, Defendant temporarily occupied Plaintiff's cellular phone such that  
16 Plaintiff was unable to utilize his cellular phone while his phone was ringing.

17  
18           32. Frustrated with Defendant's invasive telemarketing practices, Plaintiff  
19 was forced to file the instant action to compel Defendant to cease its unlawful  
20 solicitation calls.  
21

22                                   **CLASS ALLEGATIONS**

23  
24           33. All Paragraphs of this Complaint are expressly adopted and  
25 incorporated herein as though fully set forth herein.  
26  
27  
28



1           37. The exact number of the members of the Putative Class is unknown to  
2 Plaintiff at this time and can only be determined through targeted discovery.

3  
4           38. The members of the Putative Class are ascertainable because the Class  
5 is defined by reference to objective criteria.

6  
7           39. The members of the Putative Class are identifiable in that their names,  
8 addresses, and telephone numbers can be identified in business records maintained  
9 by Defendant or its third-party vendors.

10           **B. Commonality and Predominance**

11  
12           40. There are many questions of law and fact common to the claims of  
13 Plaintiff and the claims of the members of the Putative Class.

14           41. Those questions predominate over any questions that may affect  
15 individual members of the Putative Class.

16  
17           **C. Typicality**

18           42. Plaintiff's claims are typical of members of the Putative Class because  
19 Plaintiff and members of the Putative Class are entitled to damages as a result of  
20 Defendant's unlawful telemarketing practices.

21  
22           **D. Superiority and Manageability**

23           43. This case is also appropriate for class certification as class proceedings  
24 are superior to all other available methods for the efficient and fair adjudication of  
25 this controversy.  
26  
27  
28



1           44. The damages suffered by the individual members of the Putative Class  
2 will likely be relatively small, especially given the burden and expense required for  
3 individual prosecution.  
4

5           45. By contrast, a class action provides the benefits of single adjudication,  
6 economies of scale, and comprehensive supervision by a single court.  
7

8           46. Economies of effort, expense, and time will be fostered, and uniformity  
9 of decisions ensured.  
10

11           **E. Adequate Representation**

12           47. Plaintiff will adequately and fairly represent and protect the interests of  
13 the Putative Class.  
14

15           48. Plaintiff has no interests antagonistic to those of the members of the  
16 Putative Class and Defendant has no defenses unique to Plaintiff.  
17

18           49. Plaintiff has retained competent and experienced counsel in consumer  
19 class.  
20

21                           **CLAIMS FOR RELIEF**

22                           **COUNT I:**

23                           **Violations of the Telephone Consumer Protection Act**  
24                           **(on behalf of Plaintiff and Members of the Do-Not-Call Registry Class)**

25           50. All Paragraphs of this Complaint are expressly adopted and  
26 incorporated herein as though fully set forth herein.  
27  
28

1           51. Pursuant to 47 C.F.R. §64.1200(c)(2) (a regulation promulgated under  
2 47 U.S.C. §227(c)), it is a violation of the TCPA to call “[a] residential telephone  
3 subscriber who has registered his or her telephone number on the national do-not-call  
4 registry of persons who do not wish to receive telephone solicitations that is  
5 maintained by the Federal Government. This regulation also applies to wireless  
6 telephone subscribers who have registered their numbers on the national do-no-call  
7 registry.” *Heidorn v. BDD Mktg. & Mgmt. Co., LLC*, 2013 U.S. Dist. LEXIS 177166,  
8 at \*30-31 (N.D. Cal. 2013).

9  
10  
11  
12           52. Defendant violated 47 C.F.R. §64.1200(c)(2) by placing no less than ten  
13 (10) solicitation calls to Plaintiff’s cellular telephone number while it was registered  
14 on the National Do Not Call Registry.

15  
16           53. As pled above, Plaintiff never consented to receiving solicitation calls  
17 from Defendant.

18  
19           54. Defendant knew or should have known that Plaintiff’s phone number  
20 was on the Do-Not-Call Registry as the registry is publicly available and easily  
21 accessible.

22  
23           55. Instead of scrubbing Plaintiff’s phone number through the Do-Not-Call  
24 Registry prior to making its solicitation calls, Defendant recklessly placed calls to  
25 Plaintiff’s cellular phone number without first scrubbing Plaintiff’s phone number  
26 through the Do-Not-Call Registry.  
27  
28

1           56. Upon information and belief, Defendant does not maintain adequate  
2 procedures or protocols to ensure that it does not place solicitation calls to phone  
3 numbers that are registered on the National Do-Not-Call Registry.  
4

5           **WHEREFORE**, Plaintiff, on behalf of himself and the members of the Do-  
6 Not-Call Registry Class, requests the following relief:  
7

- 8           A. an order granting certification of the Do-Not-Call Registry Class,  
9 including the designation of Plaintiff as the named representative, and  
10 the appointment of the undersigned as Class Counsel;  
11
- 12           B. an order enjoining Defendant from placing or causing to place further  
13 violating calls to consumers;  
14
- 15           C. judgment in Plaintiff's favor for Defendant's violations of the TCPA;  
16
- 17           D. judgment in favor of the Do-Not-Call Registry Class for Defendant's  
18 violations of the TCPA;  
19
- 20           E. an award of \$500.00 in damages to Plaintiff and the members of the Do-  
21 Not-Call Registry Class for each violating call;  
22
- 23           F. an award of treble damages up to \$1,500.00 to Plaintiff and the members  
24 of the Do-Not-Call Registry Class for each violating call; and  
25
- 26           G. any further relief this Court deems just and proper.

27           **DEMAND FOR JURY TRIAL**

28           Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury.

1 Dated: June 25, 2024

Respectfully submitted,

2  
3 **PAUL M. VEKSLER**

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